

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

2:14-cr-023-GMN-NJK

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are engaged in plea negotiations which may resolve the case without the need to litigate the pretrial motions, and additional time is needed for the negotiations.
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
5 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the Government's deadline to file its response to
8 Defendant's Motion to Suppress, currently scheduled for February 27, 2015, be vacated and
9 continued to the 20th day of ____ March ____, 2015.

10 DATED this 2nd day of ____ March ____, 2015.

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14 HONORABLE NANCY J. KOPPE
15 UNITED STATES MAGISTRATE JUDGE
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